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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/971,625	10/09/2001	Donald H. Felsenthal		4515

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EXAMINER

MAI, TRI M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

09/971,625

Applicant(s)

FELSENTHAL, DONALD H.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,10-13,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,10-13,19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1, 2, 6, 10-13, 19, and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

“said means” has no antecedent basis.

“a plurality of panels, at least of said plurality of panels” is confusing.

“said back surface... above a part of said back surface” is confusing.

2. Claims 1, 2, 6, 10-12, 19, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks (2821295), or in the alternative, over Marks in view of either Braverman (3606636) or Smallberg (2774450). Marks teaches a garment container having a plurality of panel, at least one of the panels being a vertical side cut-out opening formed therein, a self contained closeable pocket formed by transparent material (col. 1, ln. 57) configured to hold a chemical composition therein, and means for providing access to the pocket 23. The back surface of the pocket is perforated with vents disposed above a part of both portions 17 and 20 to treat the garment without a gravitation of small residue particles through the vents.

With respect to the limitation that the means for providing access being provided along the top, it is noted that the zipper 23 is along the top edge as claimed, i.e., it is parallel to the top edge. The term “along” does not require the zipper to be at the top edge.

In the alternative, It would have been obvious to one of ordinary skill in the art to provide the access means along the top in Marks as taught by Braverman or Smallberg to provide the desired placement of the access means.

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Regarding claim 6, the container in Marks is considered an underbed storage box as claimed, i.e., it can be placed under the bed.

Regarding claim 9, the zipper is arranged along the two side edges of the pocket, i.e., the term "along" means extending the same direction.

Regarding claims 10 and 11, two side edges of the pocket (note the pocket has four sides) coincides with two edges of panels 12 and 14.

Regarding claim 12, the pocket 16 extends completely across panel 12.

Regarding claim 19, note the zipper.

Claim Rejections - 35 USC § 103

3. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Mintz (2591277). Mintz teaches that it is known in the art to make garment bag from gas-impermeable -- plastic material (col. 1, lines 14). It would have been obvious to one of ordinary skill in the art to make the garment bag of Marks from plastic to manufacture the bag easily and/or to provide the desired protection.

Regarding claim 21, to the degree it is argued that the container in Marks is not rectangular, it would have been obvious to one of ordinary skill in the art to form a rectangular storage container in Marks as taught by Mintz to provide the desired shaped of the container.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Mintz (2619225). Mintz teaches that it is known in the art to saw various parts of the container together (col. 5, lines 64). It would have been obvious to one of ordinary skill in the art to saw the pocket to the vertical side in Marks as taught by Mintz to make the bag easily.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

